

ORDINANCE NO. 11-62

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A TOTAL OF 41 PARKING SPACES, WHERE 59 PARKING SPACES ARE REQUIRED, 33 OF WHICH BACK OUT INTO THE STREET, WHERE BACK OUT PARKING IS ONLY ALLOWED IN LOW DENSITY RESIDENTIAL DISTRICTS, TO WAIVE A PORTION OF THE LANDSCAPE MANUAL REQUIRING A SEVEN FOOT LANDSCAPED AREA BETWEEN THE OFF-STREET PARKING AND THE RIGHT-OF-WAY, AND TO ALLOW NO LAWN (PERVIOUS) AREA, WHERE THE LANDSCAPE MANUAL REQUIRES A MINIMUM LAWN AREA OF 10 TO 12% OF NET LOT AREA, CONTRA TO HIALEAH CODE §§ 98-2186, 98-2189(10) AND 98-2233. **PROPERTY LOCATED AT 2250 WEST 9 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of August 24, 2011 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow a total of 41 parking spaces, where 59 parking spaces are required, 33 of which back out into the street, where back out parking is only allowed in low density residential districts, to waive a portion of the landscape manual requiring a seven foot landscaped area between the off-street parking and the right-of-way, and to allow no lawn (pervious) area, where a minimum of 10.12% is required, contra to Hialeah Code §§ 98-2186, 98-2189(10) and 98-2233 which provide in pertinent part: "Backout parking shall be allowed in low density residential districts or areas.", "*Establishments serving food*,

liquor or refreshments, including restaurants, lounges, nightclubs or other similar places. a. If dancing is not permitted or if live entertainment is not provided, once parking space for each 150 square feet of gross floor areas is required.”, “The City Council, by ordinance, may waive the minimum landscaping requirements of the Miami-Dade County Landscape Manual” as modified and supplemented by the city landscape manual which provides at D(7) “Parking lot buffers. All parking lots adjacent to a right-of-way or private street shall be screened by a continuous planting and/or three (3)-foot high wall within a seven (7)-foot landscaped strip incorporating said planting and/or wall on private property.” and which requires a minimum law areas (pervious) of 10 to 12% percent of the net lot area in Table A at (E) “Tree and lawn requirements by zoning classification”, respectively. Property located at 2250 West 9 Avenue, Hialeah, Miami-Dade County, Florida, zoned M-2 (Industrial District), and legally described as follows:

THE NORTH 270.00 FEET OF TRACT B LESS THE WEST 461.00 FEET OF REPLAT OF TRACTS 17, 18 AND THE WEST 630 FEET OF TRACT 21 OF THE AMENDED PLAT OF TROJAN PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 56, AT PAGE 67, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE SOUTH 10.00 FEET THEREOF.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the

city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

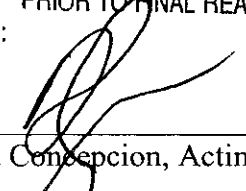
PASSED and ADOPTED this 27 day of September, 2011.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Isis Garcia Martinez
Council President

Attest:

Approved on this 29 day of September, 2011.


David Concepcion, Acting City Clerk


Mayor Carlos Hernandez

Approved as to legal sufficiency and as to form:


William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Yedra voting "Yes".